



PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2832  
# 4/election  
Shan  
10/16/02

In re application of

**Michael John Dixon et al.**

**October 9, 2002**

Serial No.: **09/915,133**

Group Art: **2832**

Filed: **July 25, 2002**

Examiner: **Donavan, Lincoln D.**

Title: **MAGNETIC ROLLER AND METHODS OF PRODUCING THE SAME**

**Box Non-Fee Amendment**

Assistant Commissioner for Patents  
Washington, DC 20231

**RESPONSE TO RESTRICTION**

In response to the Official Action mailed September 27, 2002, please consider the following  
election and traverse.

**REMARKS**

Group II, Claims 11-15 are elected for examination in response to the restriction of the Official  
Action.

The restriction is respectfully TRAVERSED. While an alternative process to make the product  
of the Group I claims may be possible or developed in the future, none is known to the undersigned or  
suggested in the Official Action. By the terms of MPEP Sect. 806.05(f) cited in the Official Action  
restriction is not supported if 1) the process as claimed can be used to make other and material different  
product or 2) the product "can" be made by another and materially different process. Since the process  
claimed is to making a roller using a foaming agent, and the product claimed is a foamed roller, 1) above  
seems clearly not met. With respect to 2) above, the word "can" is in the present tense, which excludes  
theoretical speculation and potential future innovations. In fact, the fourth paragraph of the foregoing  
Sect. 806.05(f) reads, "If applicant convincingly traverses the requirement, the burden shifts to the

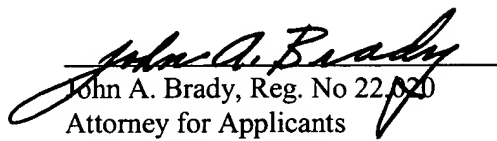
LE9-00-083

RECEIVED  
OCT 17 2002  
TECHNOLOGY CENTER 2800

examiner to document a viable alternative process or product, or withdraw the requirement.”

According, reconsideration is respectfully requested.

Respectfully submitted,

  
John A. Brady, Reg. No 22,620  
Attorney for Applicants  
Lexmark International, Inc.  
Intellectual Property Law Dept.  
740 W. New Circle Road  
Lexington, KY 40550  
(859) 232-4785



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

### Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

on Oct. 9, 2002  
Date

John A. Brady  
Signature

John A. Brady Reg. No. 22,020  
Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

RECEIVED  
OCT 17 2002  
TECHNOLOGY CENTER 2800

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.